

RECEIVED  
CENTRAL FAX CENTER

NOV 20 2006

FELLERS, SNIDER, BLANKENSHIP,  
BAILEY & TIPPENS, P.C.  
100 North Broadway Avenue, Suite 1700  
Oklahoma City, OK 73102-8820  
TELEPHONE: (405) 232-0621  
TELECOPIER: (405) 232-9659

**FACSIMILE TRANSMISSION COVER SHEET**DATE: November 20, 2006

AUTO QUOTE: 73085

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 5

FROM: Randall K. McCarthy, Registration No. 39,297

TO: Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

ADDRESSEE/ORGANIZATION	FAX NO.	TELEPHONE NO.
Art Group 2185	571/273-8300	571/272-4100

RE: Application No. 10/602,254  
In re application of: Travis D. Fox, et al.  
Assignee: SEAGATE TECHNOLOGY LLC  
Dkt. No.: STL11083

IF YOU DO NOT RECEIVE ALL OF THE PAGES OR IF ANY ARE ILLEGIBLE, PLEASE  
CONTACT OUR TELECOPY DEPARTMENT AT (405) 232-0621 AS SOON AS POSSIBLE.

\*\*\*\*\*

**CONFIDENTIALITY NOTICE**

This facsimile is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged and confidential. If the reader of this facsimile is not the intended recipient, you are hereby notified that any disclosure, distribution, or copying of this information is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone, and return it to us at the above address via the United States Postal Service.

NOV 20 2006

Transmission by Facsimile on November 20, 2006

PATENT  
Dkt. STL11083

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Travis D. Fox, Edwin S. Olds, Mark A. Gaertner and Abbas Ali  
Assignee: SEAGATE TECHNOLOGY LLC  
Application No.: 10/602,254 Group No.: 2185  
Filed: June 23, 2003 Examiner: H. C. Kim  
For: TRANSFERRING SPECULATIVE DATA IN LIEU OF REQUESTED DATA IN A DATA  
TRANSFER OPERATION

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

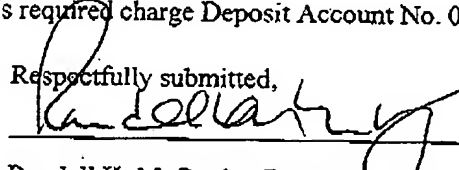
TRANSMITTAL OF RESPONSE TO NOTICE OF  
NON-COMPLIANT APPEAL BRIEF

1. Transmitted herewith, is the RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF filed in response to the Notification of Non-Compliant Appeal Brief mailed October 19, 2006. As indicated in the Notice, the time period for filing a response is "one month or thirty days from the mailing date of this Notification..."
2. Applicant believes that no extension of term is required nor is any fee due. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time or fee.  
If any additional extension and/or fee is required charge Deposit Account No. 06-0540.

Date:

11/20/06

Respectfully submitted,

  
Randall K. McCarthy, Registration No. 39,297  
Fellers, Snider, Blankenship, Bailey & Tippens, P.C.  
100 North Broadway, Suite 1700  
Oklahoma City, OK 73102-8820  
Telephone: 405-232-0621  
Fax: 405-232-9659  
Customer No. 33900

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being:

## TRANSMISSION

☒ Facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

Date: November 20, 2006

Signature

Diana C. Anderson

(type or print name of person certifying)

NOV 20 2006

Transmission by Facsimile on November 20, 2006

PATENT  
Dkt. STL11083

In re application of: Travis D. Fox, Edwin S. Olds, Mark A. Gaertner and  
Abbas Ali  
Assignee: Seagate Technology LLC  
Application No.: 10/602,254 Group Art Unit: 2185  
Filed: June 23, 2003 Examiner: H.C. KIM  
For: TRANSFERRING SPECULATIVE DATA IN LIEU OF REQUESTED  
DATA IN A DATA TRANSFER OPERATION

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

ATTENTION: Board of Patent Appeals and Interferences

## RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Sir:

This is a Response to the Notice of Non-Compliant Appeal Brief mailed October 19,  
2006.

The Notice of Non-Compliant Appeal Brief mailed October 19, 2006 stated that  
correction must be made in the appeal brief filed on October 10, 2006 for the above  
referenced application in SECTION V. SUMMARY OF CLAIMED SUBJECT MATTER by

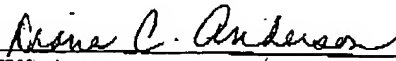
## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being:

## TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

Date: November 20, 2006

  
SignatureDiana C. Anderson  
(type or print name of person certifying)

matching "the independent claims to the paragraphs that contain the mapping of the independent claims to the specification by page and line number, and to the drawing, if any, by reference characters."

This Response to Notice of Non-Compliant Appeal Brief provides the item under the following heading as corrected according to MPEP1205.03 (B):

#### V. SUMMARY OF CLAIMED SUBJECT MATTER

The embodiments of the present invention as recited by the language of independent claims 1, 21 and 25 are generally directed to a method and apparatus for transferring data.

Independent claim 1 generally features a method comprising steps of executing a first data transfer command (such as 322 in FIG. 7 and page 17, lines 29-33), and delaying execution of a second data transfer command (such as 324 in FIG. 7 and page 17, lines 29-33) to transfer speculative data (such as 160 in FIG. 7 and page 17, lines 29-33) in lieu thereof. See e.g., specification, page 17, lines 5-28 and FIGS. 4-7. See also page 5, line 25 to page 6, line 8; page 6, lines 12-20; page 6, lines 28-32; page 7, lines 5-7 and lines 13-17; page 9, lines 1-11. See also FIG. 3 and page 9, line 16 to page 10, line 7 (exemplary first data transfer command 154, exemplary second data transfer command 151, and exemplary speculative data 162 in FIG. 3).

Independent claim 21 generally features a method comprising steps of transferring first data in response to an execution of a first pending command (such as 322), and transferring speculative data (such as 160) instead of second data associated with a second pending command (such as 324) during a next available latency period for the second command when the speculative data are adjudged as having a utility greater than a utility of the second data (such as 216, 242, 272). See e.g., specification, page 17, lines 5-33 and

FIGS. 4-7. See also page 5, line 25 to page 6, line 8; page 6, lines 12-20; page 6, lines 28-32; page 7, lines 5-7 and lines 13-17; page 9, lines 1-11. See also FIG. 3 and page 9, line 16 to page 10, line 7 (exemplary first data transfer command 154, exemplary second data transfer command 151, and exemplary speculative data 162 in FIG. 3).

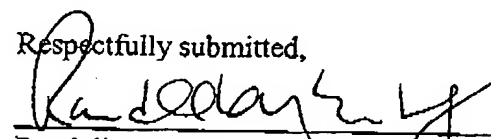
Independent claim 25 is an apparatus claim generally featuring a controller (such as 134) configured to execute a first data transfer command (such as 322), and to delay execution of a second data transfer command (such as 324) to transfer speculative data in lieu thereof (such as 160). See specification, page 17, lines 5-33 and FIG. 7; page 4, lines 15-19 and FIG. 2. See also page 5, line 25 to page 6, line 8; page 6, lines 12-20; page 6, lines 28-32; page 7, lines 5-7 and lines 13-17; page 9, lines 1-11. See also FIG. 3 and page 9, line 16 to page 10, line 7 (exemplary first data transfer command 154, exemplary second data transfer command 151, and exemplary speculative data 162 in FIG. 3).

### Conclusion

The Applicant appreciates the opportunity to make this correction in the Appeal Brief and apologizes for any inconvenience to the Examiner. The Examiner is invited to contact the below signed Attorney should any questions arise concerning this response.

Respectfully submitted,

By:

  
Randall K. McCarthy, Reg. No. 39,297  
Mitchell K. McCarthy, Reg. No. 38,794  
Fellers, Snider, Blankenship, Bailey & Tippens  
100 North Broadway, Suite 1700  
Oklahoma City, Oklahoma 73102  
Telephone: (405) 232-0621  
Facsimile: (405) 232-9659  
Customer No. 33900